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SEA

SERVICE DATE – OCTOBER 25, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 658X)

CSX Transportation, Inc. – Abandonment Exemption – in Hall County, GA

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903. CSXT seeks to abandon 0.85 mile of track and railroad right-of-way in Hall County, Georgia. The subject line extends between MP GGM 39.2 in Gainesville and the end of track at MP GGM 40.05. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to CSXT, this line was originally acquired between 1882 and 1884 by the Gainesville, Jefferson & Southern Railroad (GJ&S). The GJ&S was chartered on August 23, 1872 and opened its narrow-gauge 55-mile line from Gainesville to Monroe on March 8, 1884. In 1883, before construction was completed, GJ&S consolidated with the Georgia Railroad. GJ&S entered receivership in March of 1897. In 1904, most of its trackage was sold under foreclosure to the new Gainesville Midland Railway (GM). In 1959, GM's 40-mile line from Gainesville to Athens was sold to the Seaboard Air Line Railroad. CSXT ownership of the line followed a series of name changes and railroad mergers.

The rail line traverses the urban community of Gainesville. CSXT is engaged in negotiations with the City of Gainesville for the post-abandonment sale of the line's right-of-way for public use and development. The line may be subject to reversionary interests that may affect transfer of title for other than rail purposes. Based on information in CSXT's possession, the line does not contain any federally granted right-of-way. The right-of-way width along this line varies between 20 and 30 feet from the center-line of the track. CSXT's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment. Abandonment of the line would result in the elimination of thirteen road crossings. CSXT states that there are no CSXT-owned structures that are 50 years old or older, which may be eligible for listing in the National Register as part of the proposed action.

CSXT indicates that abandonment of this line will result in the removal of the rail, cross-ties, and possibly the upper layer of ballast. The operations and maintenance of this line will

subsequently cease. CSXT plans to reuse or sell for scrap the rail and other track material. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering any waterways. CSXT is not aware of any designated wetlands or 100-year flood plains within the proposed project area. CSXT will comply with conditions or procedures required by regulatory agencies and states that any necessary permits or applications will be obtained.

ENVIRONMENTAL REVIEW

CSXT submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSXT served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

The State of Georgia, Office of Planning and Budget (Georgia State Clearinghouse) has found the proposed abandonment to be consistent with those state or regional goals, policies, plans, fiscal resources, criteria for Developments of Regional Impact (DRI), environmental impacts, federal executive orders, acts and/or rules and regulations with which the state is concerned.

The City of Gainesville, Office of the City Manager (the City), has indicated that the proposed abandonment appears to be in conformance with all plans, including land use, for the City. The City has been planning for the redevelopment of its Midtown area. One of the key components of these redevelopment plans is the creation of a greenway and park that would follow the existing CSXT rail lines in the Midtown area.

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) in Athens, Georgia, has indicated that because of the present urban land use of the area, there is no Prime or Statewide important farmland in the area of the proposed abandonment.

The United States Department of the Interior, Fish and Wildlife Service in Athens, Georgia has indicated that, based on available information, federally listed threatened or endangered species are not likely to occur on the project site.

The United States Department of Commerce, National Geodetic Survey (NGS) has advised us that two geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, we will recommend a condition requiring that CSXT notify NGS 90 days prior to salvage activities in order to plan their relocation.

The United States Environmental Protection Agency, Region 4 (EPA) has informed us that the abandonment activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one acre or more of land are disturbed by clearing or grading and if storm water discharges from this disturbance enter either a surface water body, by direct conveyance (pipe, ditch, etc.), or through a municipal separate storm sewer system. Based on the information provided, it appears to EPA that the abandonment is not subject to National Pollutant Discharge Elimination System (NPDES) permitting requirements. The State of Georgia Environmental Protection Division (GAEPD) has been authorized to implement the NPDES permit program, under Section 402 of the CWA. EPA suggests reliance on the GAEPD response for final determination in this matter. CSXT has indicated that any necessary permits or applications would be obtained. Accordingly, we will recommend a condition requiring that CSXT consult with GAEPD regarding CWA requirements prior to commencement of salvage activities.

Rail Traffic

CSXT states that no traffic has moved on the line since June 2004. Prior to that time, there were two active shippers on the line. Lafarge Building Materials (Lafarge) received 23 carloads of lumber in 2002, four carloads of lumber in 2003, and two carloads of lumber in 2004. Lafarge received its last shipment on January 17, 2004, and no longer uses rail service from Gainesville. Lafarge has indicated that it does not oppose the abandonment. MGM Transport (MGM) stopped using the line on June 5, 2004. MGM received 39 carloads of lumber in 2002, 53 carloads of lumber in 2003, and 20 carloads of lumber in 2004. CSXT does not expect any rail oriented business to develop on the line. There is no overhead traffic on the line because the line is a stub-end. No rail traffic will be diverted to truck traffic as a result of the proposed abandonment. Therefore, the Board's thresholds of an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment [49 CFR 1105.7(e)] will not be exceeded.

HISTORIC REVIEW

CSXT submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. CSXT served the report on the Georgia Department of Natural Resources, Historic Preservation Division (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties or archaeological resources that are listed in or eligible for listing in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the applicant's/railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

The National Park Service National Center for Cultural Resources Native American Consultation Database (NACD) was queried for Hall County, Georgia to identify consultation contacts for Federally recognized Indian Tribes which might have an interest in the proposed CSXT abandonment. The query resulted in identification of one tribe. SEA has added the Eastern Band of Cherokee Indians to the service list for this proceeding to ensure that they receive a copy of this environmental assessment for their comment.

CONDITIONS

SEA recommends that the following two environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) has identified two geodetic station markers that may be affected by the proposed abandonment. Therefore, CSX Transportation, Inc. shall notify NGS 90 days prior to salvage activities in order to plan their relocation.
2. To address the concerns the concerns of the United States Environmental Protection Agency, prior to commencement of any salvage activities, CSX Transportation, Inc. shall consult with the State of Georgia Environmental Protection Division concerning applicable Clean Water Act requirements.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, the environmental contact for this case. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 658X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Kenneth Blodgett by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: October 25, 2005.

Comment due date: November 25, 2005 (30 days).

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment